

## JONES DAY

250 VESEY STREET • NEW YORK, NEW YORK 10281.1047  
TELEPHONE: +1.212.326.3939 • FACSIMILE: +1.212.755.7306

DIRECT NUMBER: (212) 326-8338  
MWLAMPE@JONESDAY.COM

January 7, 2020

### VIA ECF

The Honorable Andrew L. Carter, Jr.  
U.S. District Judge, U.S. District Court, Southern District of New York  
Thurgood Marshall, U.S. Courthouse  
40 Foley Square, Courtroom 1306  
New York, NY 10007

Re: **Tantaros v. Fox News Network, LLC et al., 1:19-cv-07131-ALC-RWL**

Dear Judge Carter:

Pursuant to Your Honor's Orders of December 20, 2019 (Dkt. 41) and December 26, 2019 (Dkt. 44), Respondents Fox News Network, LLC, Suzanne Scott, Dianne Brandi, and Irena Briganti (collectively, the "Fox Parties"), the Estate of Roger Ailes (the "Ailes Estate"), William Shine ("Shine") (together with the Fox Parties and the Ailes Estate, the "Respondents") and Petitioner Andrea Tantaros ("Tantaros" or "Petitioner") jointly submit this status update proposing a briefing schedule for Respondents' anticipated Motion(s) to Dismiss and/or Strike and Petitioner's anticipated Motion for an Order authorizing interlocutory review under 28 U.S.C. 1292(b) of this Court's Order denying Petitioner's Motion to Remand and to stay further proceedings until Petitioner's Motion is decided.

Respondents believe it is more appropriate to oppose the Petition by motion(s) to dismiss and/or strike than by motion to compel arbitration. Among other bases for motion(s) to dismiss pursuant to Rule 12, Tantaros' Petition is facially deficient and should be dismissed as a matter of law so that her claims, which are already pending in arbitration before the American Arbitration Association, may continue to proceed in arbitration. *See, e.g. Desiderio v. Nat'l Ass'n of Sec. Dealers, Inc.*, 2 F. Supp. 2d 516 (S.D.N.Y. 1998), *aff'd*, 191 F.3d 198 (2d Cir. 1999) (granting Defendants' motion to dismiss declaratory judgment complaint for failure to state a claim). Respondents propose briefing their Motion(s) to Dismiss and/or Strike (which Tantaros intends to oppose) on the following schedule:

- Motion(s) due February 6, 2020
- Oppositions due March 9, 2020
- Replies due March 24, 2020

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Tantaro proposes briefing her Motion for an Order authorizing interlocutory review of this Court's order denying her Motion to Remand and to stay further proceedings until the Motion is decided (which Respondents intend to oppose) on the following schedule:

- Motion due February 6, 2020
- Opposition due March 9, 2020
- Reply due March 24, 2020

The parties respectfully request that the Court approve the briefing schedule proposed above.

Respectfully submitted,

S/ Matthew W. Lampe  
Matthew W. Lampe

cc: All counsel of record (via ECF)